

U.S. Patent Application Serial No. 10/789,108
Response to Restriction Requirement dated December 29, 2005

REMARKS

Claims 1-41 are pending in the application. The Restriction Requirement requires restriction to one of the following inventions: I. Claims 1-22, II. Claims 23-35, or III. Claims 36-41. The applicant respectfully traverses this Restriction Requirement.

With respect to groups I, II, and III, the Restriction Requirement states that "the product as claimed can be made by another and materially different process such that the battery can be formed by any processes but not a semiconductor fabrication process" (emphasis added). However, the applicant respectfully notes that the method set forth in claims 1-22 of group I can utilize a semiconductor fabrication process. Similarly, claims 23-35 of Group II set forth a structure that can be formed using a semiconductor fabrication process. See, e.g., page 11, ll. 15-22; page 20, ll. 3-6; Figures 4B and 7.

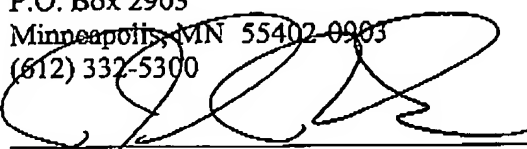
Furthermore, the applicant respectfully submit that claims in both Groups I and II should be examined in one application because examining both sets of claims should not require additional searching and should not place an undue burden on the patent office. Accordingly, the applicant respectfully requests examination of all the claims in Groups I and II.

If the patent office does not find this argument persuasive, the applicant respectfully elects examination of Group II, claims 23-35.

Please contact the undersigned attorney if there are any questions regarding this application.

Respectfully submitted,

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